



# MONTHLY HIGHLIGHTS

**NOAA  
NATIONAL MARINE FISHERIES SERVICE  
NORTHEAST REGION  
HABITAT CONSERVATION DIVISION**

**February 2005**

**GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930**

## **MAINE DOT TO CONSIDER IN-LIEU FEE PROGRAM**

The Maine Department of Transportation and the Army Corps of Engineers (ACOE) held a meeting on February 15 to discuss options for an in-lieu fee program to compensate for project related impacts on aquatic resources. Representatives from the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Federal Highway Administration, and NOAA Fisheries Service were present. This was a first of several meetings to occur. Much of the meeting's focus was on the process implemented by Virginia. Main points of discussion about Virginia's program included: role of the third party non-profit group, the Nature Conservancy (TNC), overseeing funds and managing projects; projects for consideration can be proposed by any group, but must be approved by TNC and the ACOE; preservation and restoration are considered, though habitat creation at the expense of another habitat type is avoided; use of funds for project types other than wetland preservation or restoration; and value of mitigation credits is tied to the watershed where mitigation will occur. The discussion included the process being considered for Connecticut and New Hampshire. All parties agreed that the Maine state agencies, particularly the Department of Environmental Protection and the Land Use Regulatory Commission, need representation at the next meeting in April. ([Sean.Mcdermott@noaa.gov](mailto:Sean.Mcdermott@noaa.gov), 978/ 281-9113)

**JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732**

## **HACKENSACK MEADOWLANDS - MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE MEETING (MIMAC)**

This month's MIMAC meeting included discussions about several pending ACOE public notices including a proposal by Group @ Route 3 LLC., to fill 0.89 acre of wetlands for the construction of a residential apartment complex, the Town of Secaucus to install a tide gate on Sack Creek for flood control, and the Meadowlands Mills/Mack-Cali Xanadu development. The consultants for Marsh Resources, Inc. (MRI) also came to the meeting to talk about the proposed Phase 3 of the MRI mitigation bank. The MIMAC members had reviewed the prospectus for the proposal. A

productive discussion about agency comments, questions and advice took place during the meeting. MRI will consider the MIMAC comments as part of their decision on the next step for the bank. ([Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov), 732/ 872-3023)

### **MEADOWLAND MILLS MACK-CALI XANADU PROJECT**

Members of the MIMAC met with the applicants and the New Jersey Meadowlands Commission (NJMC) at this month's MIMAC meeting to discuss the NJMC's Secaucus High School mitigation site plan and the terms of the in-lieu fee agreement between the NJMC and the ACOE. The mitigation plan and the in-lieu fee agreement are part of the mitigation proposed by Meadowlands Mills and Mack-Cali Limited Partnership as compensation for filling 7.6 acres of waters of the United States, including wetlands, to construct a mixed-use commercial development on the New Jersey Sports and Exposition Authority property surrounding the Continental Airlines Arena site in East Rutherford, Bergen County, New Jersey. The meeting provided a valuable exchange of information that led to a better understanding of what the NJMC's proposed mitigation plan included and the need to comply with the existing guidance on mitigation and in-lieu fee arrangements. Based upon the discussions at the meeting and the recommendations made by the MIMAC agencies, the ACOE and the NJMC developed a revised mitigation plan for the Secaucus High School site and a revised in-lieu fee agreement that addresses all of our outstanding concerns. HCD has sent a letter to the ACOE stating that NOAA Fisheries Service no longer objects to permit issuance. ([Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov), 732/ 872-3023)

### **PORT JERSEY CHANNEL DEEPENING AND HABITAT ENHANCEMENT**

HCD staff met with representatives of the ACOE, the NJ Department of Environmental Protection, NJ Department of Transportation Office of Maritime Resources (NJDOT-OMR), the Port Authority of New York and New Jersey, the Bayonne Local Redevelopment Authority (BLRA), the New York-New Jersey Baykeeper, and the project consultants to discuss the habitat enhancement proposed as a complement to the deepening and realignment of the Port Jersey Channel. As part of the deepening of the channel which is being sponsored by the NJDOT-OMR, approximately 12 acres of sublittoral habitat (-9 to -15 feet at mlw) that is part of the Jersey Flats will be deepened to -50 ft at mlw. The area has been identified as relatively important winter flounder spawning habitat in that portion of the harbor. Although the ACOE is not required to provide compensatory mitigation for the loss of sublittoral habitat, they have developed a plan to enhance nearby deep water to provide habitat that is similar to what will be lost. This is something that has not been done in the harbor before and the agencies are proceeding slowly and with a great deal of coordination. The ACOE has developed the enhancement plan that will use dredged material suitable for aquatic disposal to bring the depth in the former Military Ocean Terminal Channel at Bayonne from -35 feet at mlw to -9 to -15 feet at mlw. The agencies are still working on the final details of the enhancement project. Some concerns have arisen recently when the BLRA announced they have future development plans in the enhancement area that include a marina. There are concerns about the impacts of the marina on the newly enhanced site and the value of the habitat if and when a marina is built. Coordination on the issue will continue as the agencies review the public notice that was released recently. ([Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov), 732/ 872-3023)

## **NEW YORK HARBOR**

Many staff members of different NOAA agencies took part in a conference call on February 1, 2005 to discuss ways in which NOAA could interact more closely with the Port Authority of New York and New Jersey for mutual benefit. Further discussions could lead to a memorandum of agreement between the two agencies. ([Stanley.W.Gorski@noaa.gov](mailto:Stanley.W.Gorski@noaa.gov), 732/ 872-3037 or [Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov), 732/ 872-3023)

## **MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460**

### **"FISH-FRIENDLY" TURBINE SYSTEM FOR NEW YORK HYDRO**

Blueback herring and American eels in the Mohawk River can look forward to a safer passage in their periodic migrations between fresh water habitats and the open ocean. After a protracted negotiation effort, the New York State Department of Environmental Conservation, the U.S. Fish and Wildlife Service, and operators of the School Street hydroelectric facility have agreed to a series of actions designed to facilitate fish bypassing, turbine operation, system monitoring, and future installation of "fish friendly" turbines. The agreement establishes a protocol for safer and more efficient out-migration of blueback herring and American eel through the dam site. NOAA Fisheries Service was a principal party in the early negotiations and coordination with the Federal Energy Regulatory Commission, but not the most recent negotiations. Their efforts at this site are of particular importance because the blueback herring is expanding its range within the watershed during a period when other runs are diminishing. The American eel population is declining, and improving outmigration to the spawning grounds in the Sargasso Sea may help stem the decline. The installation and operation of the bypass system at this last dam in the watershed will help facilitate the development and implementation of a comprehensive management plan for migratory species. ([Michael.Ludwig@noaa.gov](mailto:Michael.Ludwig@noaa.gov), 203/ 882-6504)

### **IN-LIEU FEE MITIGATION PROGRAM CONSIDERED IN NEW YORK**

Staff from the Milford Field Office has been invited to attend a kick-off meeting for an in-lieu fee program for projects that entail wetland impacts in New York. It is our understanding that this program would cover primarily modest scale projects in palustrine and tidal wetlands whereby project applicants would be assessed a fee scaled to the impacts that would accrue at their site, and the monies held to fund joint state-federal wetland mitigation activities.

([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov), 203/ 882-6504)

### **BENEFICIAL USE OPPORTUNITY CREATES NEW ARTIFICIAL REEF**

The abandoned Jamestown Bridge between Kingston and Jamestown, Rhode Island is nearing relocation and reuse as a series of artificial reefs in the waters off Newport and at a deepwater site off Block Island. While the two inshore sites off Gooseberry Island and Sheep Point are designed to provide both resource and recreational benefits, the offshore site is designed to provide resource habitat enhancements for species such as American lobster, black sea bass, scup, and winter flounder. The concrete materials are particularly useful for reef creation materials because of their structural longevity and difference from the prevailing seafloor character present at all three placement sites. In a late development, the RIDOT noted that some of the same benefits could be obtained within the demolition footprint by limiting the

requirement to remove completely all the demolition debris. Underwater monitoring of the bridge pier sites reveals that the structures are providing a unique habitat for stenotrophic species. Limiting the seafloor disruption to removal of demolition materials within a designated height and width footprint will preserve some of the existing habitat benefits while meeting federal navigation objectives. In effect, it is expected that there will be four artificial reef sites when the demolition is completed. ([Michael.Ludwig@noaa.gov](mailto:Michael.Ludwig@noaa.gov), 203/ 882-6504)

#### **SCOPING MEETING SCHEDULED FOR GOETHALS BRIDGE PROJECT**

The First Coast Guard District has scheduled a National Environmental Policy Act (NEPA) scoping meeting regarding the planned replacement of the Goethals Bridge. This bridge crosses the Arthur Kill between northwest Staten Island and New Jersey and lies in close proximity to extensive tidal wetlands and other aquatic habitats of concern. In particular, the general study area appears to include the wetland remediation site where the state, local, and federal trust agencies spent a great deal of the damage assessment claims from the BT Nautilus and Exxon Bayway spills. This is the second time in the past 10-15 years that the Port Authority of New York and New Jersey has undertaken NEPA assessment for addressing this transportation crossing. NOAA Fisheries Service representatives for the NEPA evaluation will be Karen Greene and Diane Rusanowsky. ([Karen.Greene@noaa.gov](mailto:Karen.Greene@noaa.gov), 732/ 872-3023; [Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov), 203/ 882-6504)

#### **REVISED MITIGATION PROPOSAL UNDER REVIEW:**

Staff from the Milford Field Office continue to coordinate with the New York District, ACOE regarding a mitigation proposal in the Hudson River at West Harlem. In response to local community board comments and potential reservations on the part of the ACOE, the New York City Economic Development Corporation withdrew its support of an open pile field mitigation plan and has submitted a new proposal for the site. We hope to complete our review of the new proposal in March. ([Diane.Rusanowsky@noaa.gov](mailto:Diane.Rusanowsky@noaa.gov), 203/ 882-6504)